



SEP 30 2004
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FAX

SEP 30 2004

FAX COVER SHEET

Date: September 30, 2004

To: Office of Petitions

Fax: 703-872-9306

From: Elaine C. Stracker

Fax: (650) 687-3999

Pages (including cover): 14

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply

Petition for Revival of an Application for Patent Abandoned Unintentionally under 37
CFR 1.137(b)
Fee Transmittal
Petition for 3-Month Extension of Time
Response to Office Action

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PTO/SB/21 (08-03)

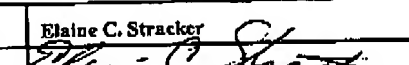
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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/696,959	
	Filing Date	10/30/2003	
	First Named Inventor	Craig C. Hodges	
	Art Unit	1616	
	Examiner Name	Mina Haghighatian	
Total Number of Pages in This Submission	13	Attorney Docket Number	00020.08CON

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Fee Transmittal
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	PTO/SB/17 Fee Transmittal (2 copies, 1 page each)	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Response to Office Action (7 pp.)	
	Petition for 3-Month Extension of Time (1pp.)	
	Petition for Revival of an Application (2 pp.)	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	ALEXZA MDC, 1001 East Meadow Circle, Palo Alto, CA 94303 Elaine C. Stracker, Ph.D., J.D. Telephone (650) 687-3905
Signature	
Date	September 30, 2004

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the	
Typed or printed name	Elaine C. Stracker
Signature	
Date	September 30, 2004

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PTO/SB/17 (10-03)

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for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$)**1175.00****Complete if Known**

Application Number	10/696,959
Filing Date	10/30/2003
First Named Inventor	Craig C. Hodges
Examiner Name	Mina Haghighatian
Art Unit	1616
Attorney Docket No.	00020.08CON

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

502731

Alexza Molecular Delivery

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		Extra Claims		Fee from below		Fee Paid	
Independent Claims		-20** =	X				
Multiple Dependent		-3** =	X				

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 86	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependent claim, if not paid	
1204 86	2204 43	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)			(\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	490.00
1253 850	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	885.00
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**1175.00**

(Complete if applicable)

SUBMITTED BY

Name (Print/Type) Elaine C. Stracker

Registration No.
(Attorney/Agent)

43,166

Telephone 650-687-3905

Signature

Elaine C. Stracker

Date 9/30/04

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Deposit Account Name

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Other fee (specify)

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(Complete if applicable)

SUBMITTED BY

Name (Print/Type) Elaine C. Stracker

Registration No. 43,166
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SEP 30 2004

CERTIFICATE OF TRANSMISSION BY "FACSIMILE"

Date of Transmittal: September 30, 2004

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ELAINE G. STRACKER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Craig C. Hodges, et al.

Examiner: M. Haghighatian

Serial No.: 10/696,959

Group Art Unit: 1616

Filing Date: October 30, 2003

Date: September 30, 2004

For: DELIVERY OF AEROSOLS CONTAINING SMALL PARTICLES THROUGH AN
INHALATION ROUTES

RESPONSE TO OFFICE ACTION UNDER 37 C.F.R. § 1.111

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Action dated March 22, 2004. A Petition for a three-month time extension and a Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b) also accompany this response.

Amendments to the Claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks begin on page 3 of this paper.